

OKLAHOMA ABSTRACTORS BOARD
MINUTES OF REGULAR MEETING
March 16, 2021

1. A regular meeting of the Oklahoma Abstractors Board (OAB) was called to order by Chairperson Christina Wooten at 10:00 a.m., at the OLERS Conference Room, 421 NW 13th Street, Suite 100, Oklahoma City, Oklahoma.
2. Scott Ward called the roll. Attending were: Christina Wooten, Jeff Mapes, John Bailey, Ken McDowell, Randy Coffman, Robert Getchell, and Scott Ward. Absent: J. Thomas.
3. The Minutes of the Regular Meeting of the OAB, conducted on January 19, 2021, were reviewed. A motion was made by Mr. McDowell to approve the minutes as presented. The motion was seconded by Mr. Bailey. Motion carried.
Yeas: Christina Wooten, Jeff Mapes, John Bailey, Ken McDowell, Randy Coffman, Robert Getchell, and Scott Ward. Nos: None.
4. **Chairperson's Report-Christina Wooten:** Ms. Wooten welcomed Joe Ashbaker back to the meeting as he was sitting in for Marie again. She stated that there had not been a meeting the previous month which accounted for the extremely long list on the agenda for this month.
5. **Administrator's Report (Board Report):** Ms. Smith reported that she would be starting inspections again and that there would be some testing occurring in Tulsa in a few weeks. The computers ordered in September finally arrived and were installed.
6. **Committee Reports.**
 - a.) **Budget and Finance – John Bailey:** Mr. Bailey gave an update on the budget and presented the “Six Digit Expenditure Detail” Report showing monthly expenses of \$4,414.35. The next report is the “Outstanding Encumbrances”. This is a list of expenses that we may or may not use; that amount is \$46,408.47. If we go to our “Operating Comparison” our total budget for this year is \$279,226.00 and our total expenses and encumbrances are \$189,317.74 for an annual variance of \$89,908.54. The next report is the “Summary of Receipts and Disbursements” showing revenue of YTD of \$208,615.44 and YTD expenditures are \$158,196.03 for a YTD overage of \$50,419.41. This leaves us with an ending cash balance of \$826,166.70. After review and discussion, a motion was made by Mr. Bailey to approve the report as presented. Second by Mr. Mapes. Motion carried.
Yeas: Christina Wooten, Jeff Mapes, John Bailey, Ken McDowell, Randy Coffman, Robert Getchell, and Scott Ward. Nos: None.
 - b.) **Rules and Regulations – Ken McDowell:** Mr. McDowell reported that the proposed legislation was moving through the legislative process without any issues. In addition, the public hearing for the proposed Rules had been held and that no one had attended other than Ms. Wooten and Ms. Smith and that no comments had been

received during the comment period. In order to move forward with the rulemaking process, the Board needed to adopt the proposed rules as presented.

After review and discussion, a motion was made by Mr. McDowell to adopt the proposed rules as presented. Second by Mr. Bailey. Motion carried.

Yeas: Christina Wooten, Jeff Mapes, John Bailey, Ken McDowell, Randy Coffman, Robert Getchell, and Scott Ward. Nos: None.

- c.) **Licensing and Testing-Kenneth McDowell:** Mr. McDowell reported that there had been 15 people take the test since the last meeting and 10 of them passed. The next test will be on March 18th at the testing center.

Ms. Smith reported that they had met with the new online licensing platform provider and that the fees that were originally presented to the Board were in error. The fees would actually be \$0.20 per license in our system per month which would make the fee addition for online services an additional \$2.40 per license per year plus merchant fees for processing the credit card payments. Because of the fee change, she asked for a motion from the Board to approve the fee change and move forward with the new platform provider. A motion was made by Mr. McDowell. Second by Mr. Getchell. Motion carried.

Yeas: Christina Wooten, Jeff Mapes, John Bailey, Ken McDowell, Randy Coffman, Robert Getchell, and Scott Ward. Nos: None.

- d.) **Inspections-Katherine Smith:** Ms. Smith reported that there had been no inspections since the last board meeting but that she was headed to the panhandle the following week for inspections in that area.

- e.) **Enforcement Committee Reports-Robert Getchell:**

Applications for Licenses: Presented to the Board for approval was a list of applicants for abstract licenses or renewals, which are set out in the attachments hereto. A motion was made by Mr. Getchell to approve all of the licenses presented, subject to administrative review and to make sure all compliance issues were met and appropriate fees paid. Second by Mr. Ward. Motion passed.

Yeas: Christina Wooten, Jeff Mapes, John Bailey, Ken McDowell, Randy Coffman, Robert Getchell, and Scott Ward. Nos: None. Abstention: Mr. Mapes and Mr. Bailey abstained from voting from those applications related to their business interests.

Renewal of Certificate of Authority (No Fee Changes): Presented to the Board for approval were applications for renewal of Certificate of Authority without any changes to the fees on their rate sheets by Abstract & Guaranty of Blaine County, Inc., Adams Abstract Company (Leflore), Adams Title Advantage (Latimer), American Eagle Title Insurance Company (Oklahoma), Atoka Abstract Company (Atoka), Beaver County Abstract, Beckham County Abstract, Cherokee Capitol Abstract (Cherokee), Chicago Title Oklahoma County (Oklahoma), Choctaw County Abstract, Cleveland County Abstract, Clinton Abstract Company, Inc (Custer),

Cordell Abstract, LLC (Washita), Creek County Abstract Co., Inc., Durant Abstract, Inc., First American Title Insurance Company (Canadian), First American Title Insurance Company (Cleveland), First American Title Insurance Company (Oklahoma), First American Title Insurance Company (Pottawatomie), Goetzinger Abstract & Title Company (Woodward), Grand River Abstract (Delaware), Grand Valley Abstract, Title & Closing Company of Pryor, LLC dba Smith Brothers Abstract & Title Co., LLC (Mayes), Jamaican Eagle Data, Limited (Logan), Liberty Abstract Co., Inc (Pittsburg), Metro Abstract Title & Closing Co. of Wagoner, LLC dba Smith Brothers Abstract & Title Co., LLC (Wagoner), Meurer Abstract and Title Company (Pawnee), Oklahoma Abstract & Title Company (Payne), Oklahoma Abstract Company of Lawton dba Sovereign Abstract & Title (Comanche), Osage County Abstract Company dba Smith Brothers Abstract, LLC (Osage), Ottawa County Abstract & Title Company, LLC, Pawhuska Abstract & Title Company dba Smith Brothers Abstract, LLC (Osage), Payne County Title Company, Pioneer Abstract & Title Company (Harper), Pioneer Abstract Company (Seminole), Pioneer Abstract Company dba Atlas Abstract Company (Hughes), Pioneer Abstract Company of McAlester (Pittsburg), Rogers County Abstract, Rogers County Title & Abstract dba Claremore Abstract & Guaranty dba Smith Brothers Abstract, LLC (Rogers), Sapulpa Abstract & Title, Inc dba American Abstract & Title (Creek), Sayre Abstract Company (Beckham), Sooner Abstract & Title Company, Inc. (Leflore), Stewart Title of Oklahoma, Inc. (Carter), Stewart Title of Oklahoma, Inc. (Oklahoma), Tahlequah Abstract & Title (Cherokee), Tishomingo Abstract Company (Johnston), Tulsa Abstract & Title (Tulsa), Woods County Abstract. A motion was made by Mr. Getchell to approve the applications. Second by Mr. Bailey. Motion passed.

Yeas: Christina Wooten, Jeff Mapes, John Bailey, Ken McDowell, Robert Getchell, and Scott Ward. Nos: Randy Coffman.

Abstention: Ms. Wooten and Mr. Mapes abstained from voting on those applications related to their business interests.

Renewal of Certificate of Authority (With Fee Changes): Presented to the Board for approval were applications for renewal of Certificate of Authority with changes to the fees on their rate sheets by Cheyenne Abstract Company, Inc. (Roger Mills), Cotton County Abstract, Guaranty Abstract Company of McClain, Marshall County Abstract Co., LLC, Muskogee Abstract & Title company (Muskogee), Pioneer Abstract & Title Co of Muskogee, Inc. (Muskogee), SCA Title, LLC (Sequoyah), Southwest Abstract & Title Co (Comanche), Title Abstract Company (Nowata), Valley Land Title Company, INC (Sequoyah), Woodward County Abstract Company. A motion was made by Mr. Getchell to approve the applications. Second by Mr. Bailey. Motion passed.

Mr. Coffman pointed out that Title Abstract Company in Nowata County had no fee related to Final Title Reporting and asked if they were allowed to just not offer that product. Ms. Smith said that it had been like that for some time. Mr. Getchell said that he did not recall that the law required them to offer a Final Title Report because they were offering an abstracting product that accomplished the same thing.

Yeas: Christina Wooten, Jeff Mapes, John Bailey, Ken McDowell, Randy Coffman, Robert Getchell, and Scott Ward. Nos: None.

Transfer of Ownership: Presented to the Board for approval was an application for a Transfer of Ownership for Harmon County Abstract. A motion was made by Mr. Getchell to approve the application. Second by Mr. McDowell. Motion passed.

Yeas: Christina Wooten, Jeff Mapes, John Bailey, Ken McDowell, Randy Coffman, Robert Getchell, and Scott Ward. Nos: None.

Transfer of Ownership: Presented to the Board for approval was an application for a Transfer of Ownership from Southern Abstract Company to Washington County Abstract, LLC dba Southern Abstract Company. A motion was made by Mr. Getchell to approve the application. Second by Mr. Mapes. Motion passed.

Yeas: Christina Wooten, Jeff Mapes, John Bailey, Ken McDowell, Randy Coffman, Robert Getchell, and Scott Ward. Nos: None.

Complaints: Presented to the Board for review was Complaint OAB-2020-W92 which asserts that there was an unnecessary delay of several abstracts.

Ms. Smith reported that the Complainant provided 4 legal descriptions as evidence of ongoing delays in the completion of abstract.

Summary: The Respondent was outside of guidelines on 2 of the 4 orders pulled for review. One order was 4 days outside of guidelines and one was 6 days outside of guidelines.

Recommendation: Because the Respondent does not have a demonstrated history of delayed order based upon previous inspections and this being the first complaint received for this company added to the fact that only 2 of the orders presented were outside of guidelines and not excessively so, the Enforcement Committee is recommending a letter of reprimand. The letter is to focus on the fact that when a company sees they are having an issue keeping up with statutory guidelines it should be reported at first awareness rather than waiting until complaints are received. Ms. Smith asked for a motion to accept the Enforcement Committee's ruling and close the complaint.

A motion was made by Mr. Getchell. Second by Mr. Coffman. Motion passed.

Yeas: Christina Wooten, Jeff Mapes, John Bailey, Ken McDowell, Randy Coffman, Robert Getchell, and Scott Ward. Nos: None.

Investigations: Presented to the Board for review were the results of the Investigation that took place in Adair County.

Ms. Smith reported that the abstracts were requested for the orders in question and reviewed by one of the abstractor members of the Board along with all of the information provided by the Respondent.

The reviewer's notes were reported.

Abstract 17785

New (Patent Abstract)-7/1/2020 @ 10:33 A.M. 301 Pages

Invoice 17785 Dated 7/6/2020

Invoice Amount: \$2156.00

Recommendation: A penalty of \$750.00 for the unnecessary delay of the abstract and inappropriate charging for the abstract by splitting single-page documents onto multiple pages along with a refund to the consumer of \$606.00 for the additional 101 pages.

Abstract 17636

Order Date: 8/27/2018

Completion Date: 3/27/2019

Invoice Amount \$2856.00

Recommendation: Penalty of \$500 for unnecessary delay and inappropriate charging for the abstract by splitting single-page documents onto multiple pages along with a refund to the consumer of \$474.00 for the additional 79 pages.

Ms. Smith asked for a motion to accept the Enforcement Committee's ruling and close the investigation.

A motion was made by Mr. Getchell. Second by Mr. Bailey. Motion passed.

Yeas: Christina Wooten, Jeff Mapes, John Bailey, Ken McDowell, Randy Coffman, Robert Getchell, and Scott Ward. Nos: None.

7. **New Business:** Ms. Wooten asked for new business. There was none.
8. **Report Legal Counsel-Joe Ashbaker:** Mr. Ashbaker had no information to pass along from Marie.
9. **Visitor's Comments:** Ms. Wooten asked for any visitor comments. There were none.
10. **Announcement of next meeting:** Tuesday, April 20, 2021, at 10:00 a.m., 421 NW 13th Street, Suite 100 (OLERS) Conference Room, Oklahoma City, Oklahoma unless there were still reasons to have the meeting via video conference.